

1/2024 LEGEA, otsailaren 8koa,
**Trantsizio Energetiko
eta Klima-Aldaketari
buruzko**

**Energy Transition and
Climate Change ACT**
1/2024, of 8 February



EUSKO JAURLARITZA



GOBIERNO VASCO



BACKGROUND

Climate change is the main challenge we are facing as a species



United Nations Intergovernmental Panel on Climate Change (IPCC)



“The impact of climate change is rapidly intensifying and points towards global warming of 1.5 °C and 2 °C being overshoot during the 21st century unless there are significant reductions of CO₂ and other greenhouse gas emissions in the coming decades”.

URGENT more ambitious measures need to be taken in all sectors and at all levels to guarantee a habitable and sustainable future.

CLIMATE CHANGE MITIGATION

Reducing emissions
Renewable energy and energy efficiency

CLIMATE CHANGE ADAPTATION

Measures to increase the resilience of the territory

EQUITY AND SOCIAL JUSTICE

The transformation will not be possible
without equity and social justice



BACKGROUND

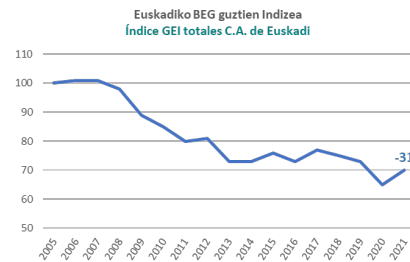
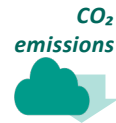
Climate change is the main challenge we are facing as a species



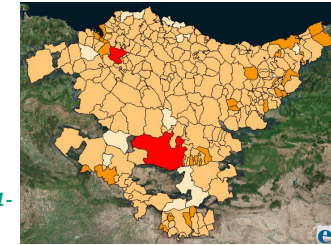
And in the Basque Country? What are the envisaged impacts of climate change?

- General increase of temperatures
- Change in precipitation patterns
- Warming of the water temperature
- Rising sea levels
- Risk of different species of fauna and flora, including established crops, failing to adapt to the changes

The Basque Country is advancing to mitigate climate change and reduce its vulnerability and risk

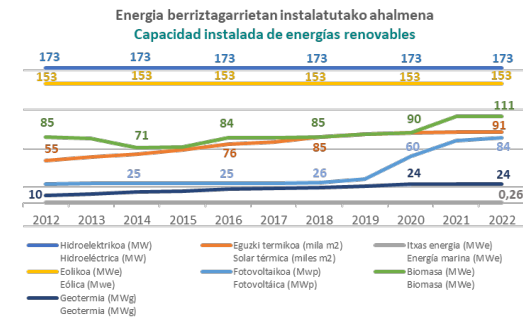
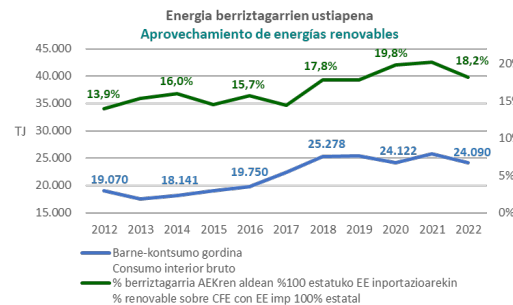


Reducing climate change vulnerability and risk



Health risks of heat waves (2071-2100; RCP 8.5.)

Renewables





BACKGROUND

Robust legislation and policies, and international cooperation are needed for this transformation to be rapid and far-reaching in all sectors and systems.

EUROPE

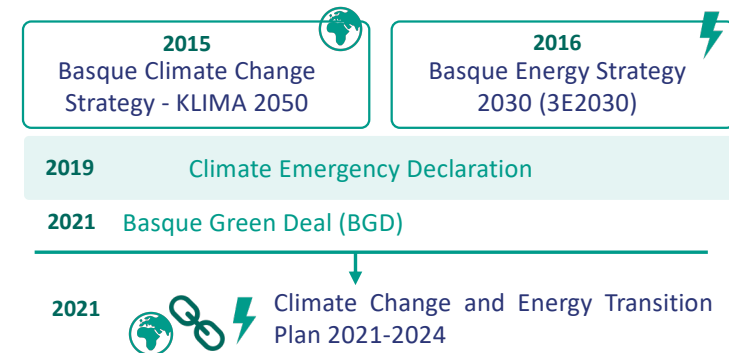
- ✓ The European Green Deal
- ✓ 2021 European Climate Law: Regulation (EU) 2021/1119, of the European Parliament and Council, of 30 June 2021, establishing the framework for achieving climate neutrality
- ✓ Fit for 55 Package

SPANISH STATE

- ✓ Energy Transition and Climate Change Act 7/2021, of 20 May
- ✓ Long-Term Strategy for a Modern, Competitive and Climate Neutral Spanish Economy by 2050 (ELP 2050)
- ✓ National Integrated Energy and Climate Plan (PNIEC) 2021-2030
- ✓ National Climate Change Adaptation Plan (PNACC) 2021-2030

THE BASQUE COUNTRY

Local authorities and regions adopt **over 70% of the climate change mitigation measures** and up to **90% of the adaptation measures**, and apply 70% of EU legislation.





BACKGROUND

ADDRESSING THE CLIMATE CHALLENGE



Establish the **legal framework** in order to define and deploy strategies, action plans and tools to achieve **greenhouse gas emission neutrality by 2050**, setting **interim targets for 2030 and 2040**, and advance towards a **territory that is more resilient** to climate change.

Just transition without leaving anybody behind



- Economic sectors, territories and more vulnerable population
- **Gender**
- Age
- Dysfunction of people

ENERGY TRANSITION AND CLIMATE CHANGE ACT

6 chapters

75 articles

- **Chapter I.** General provisions, scope and purpose
- **Chapter II.** Governance, powers and functions of the Basque public administration regarding the energy transition and climate change
- **Chapter III.** Planning instruments in order to implement the objectives of the legislation
- **Chapter IV.** Regulation of the energy transition and other sectoral policies that contribute to neutrality
- **Chapter V.** Measure to ensure the resilience of Basque society and territory
- **Chapter VI.** Cross-cutting instruments to facilitate compliance of the provisions of the Act.

8 Additional provisions

1 Transitional provision

9 Final provisions



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER I. GENERAL PROVISIONS

Article 1.- Scope and purpose

PURPOSE



Establish the **stable legal framework** to achieve **climate neutrality** in the Basque Country no later than by **2050**, by making the **necessary efforts** to reach that neutrality by **2045**.



In order to converge with European commitments acquired:

2030 interim target

✓ **Reduce GHG by 45% on the 2005 baseline year** (33% reduction on 1990 levels).

How?

- Decarbonisation of the socio-productive activity
- Transition to a circular economy
- Climate change adaptation/increasing the resilience of the territory
- Development model that creates decent jobs and reduces inequalities



Increase the **resilience of the territory to climate change** and harness the **social, business and economic opportunities** offered by the energy transition.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER I.
GENERAL
PROVISIONS

Article 1.4- Scope and purpose

JUST TRANSITION



The scope and purpose of this legislation will be accomplished by means of a **just and sustainable transition** from an environmental, economic and social perspective, which guarantees equity and solidarity, and incorporates the gender perspective in the spaces for reflection and decision-making regarding the energy transition and climate change.

How?

Principles of the legislation, social pact, social participation (assemblies), cooperation and solidarity, planning instruments, knowledge and education, climate social fund, renewable energy royalty...





LEY DE TRANSICIÓN ENERGÉTICA Y CAMBIO CLIMÁTICO

CHAPTER I.
GENERAL
PROVISIONS

Article 2.1 - Principles

SCHEDULED TRANSITION

Integration of the energy transition, emissions reduction and adaptation to climate change process into public planning through sectoral and territorial policies with a pro-active and preventive approach against climate change.

SHARED RESPONSIBILITY

Shared responsibility among all the public and private stakeholders to develop energy transition, and climate change mitigation and adaptation actions.

SHARED RESPONSIBILITY

Public engagement and information to citizens about the energy transition and climate change process, guaranteeing transparency in order to receive accurate and accessible information and therefore encourage participation.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER II. GOVERNANCE

GOVERNANCE BODIES ENVISAGED IN THE ACT

Energy Transition and
Climate Change
Commissions

Basque Energy Transition
and Climate Change Office

Energy Transition and
Climate Change Scientific
Committee

Social Participation:
Environmental Advisory
Council, Social Pact

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 5.- Energy Transition and Climate Change Commissions

FUNCTIONS

- **Coordinate** in-house the **action of the Basque public administration** as regards the **energy transition and climate change**.
- **Issue the required reports prior** to the approval of planning instruments, along with **assessing compliance of their goals**.
- ***Study, discuss and report on the proposed** draft regulations and other instruments related to the goals of this Act.
- ***Submit** to the Government Cabinet **proposals relating to the energy transition, and climate change mitigation and adaptation**.
- ***Propose** annually the **budgetary stance** for each of the Basque Government's ministries regarding energy transition and climate change.
- ***Ensure coordination** to obtain the necessary information to have indicators and conduct the **effective monitoring** of the energy transition and climate change planning instruments.

**Exclusive to the Energy Transition and Climate Change Commission of the General Administration of the Autonomous Community of the Basque Country; it does not apply to the Energy Transition and Climate Change Commissions of the provinces and of the local authorities of the Basque Country.*



The **composition and functioning** of the Energy Transition and Climate Change Commission of the General Administration of the Basque Autonomous Community shall be laid down by regulation.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER II. GOVERNANCE

GOVERNANCE BODIES ENVISAGED IN THE ACT

Energy Transition and
Climate Change
Commissions

**Basque Energy Transition
and Climate Change Office**

Energy Transition and
Climate Change Scientific
Committee

Social Participation:
Environmental Advisory
Council, Social Pact

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 6.- Basque Energy Transition and Climate Change Office

The Basque Energy Transition and Climate Change Office is created as a **technical collegiate body** attached to the Basque Government ministry whose remit includes energy and climate change.

Its **functions** will be to:

- a) Monitor **targets and actions**.
- b) Monitor the **energy transition process** (sectoral and energy indicators of the process).
- c) Prepare the BAC greenhouse gas **inventory** and **projections**.
- d) Establish an **information gathering** and monitoring method.
- e) Establish the benchmark **climate scenarios** and **updating**.
- f) Identify **key indicators and availability of historic data**.
- g) Assess the **climate vulnerability and risks** in the BAC.
- h) Review **legislative texts and budgets** from the energy transition and climate perspective.
- i) Establish **information, training and communication channels**.
- j) Set up **work and communication channels** with the research and innovation centres.
- k) Promote **dissemination activities** to pass on information on the subject to citizens.
- l) Coordinate and drive **cross-cutting actions** between different ministries.
- m) Monitor the **relationship between energy and climate change policies and innovation policies**.
- n) Manage the **Basque observation system** of the energy transition and climate change.
- o) Administrative support for the **Scientific Committee** on this matter.
- p) Permanent support for the **Energy Transition and Climate Change Citizen Assembly**.
- q) Any **other function** that may be entrusted.



The **operating regulations** of the Basque Energy Transition and Climate Change Office will be approved within no later than

1 year from the



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER II. GOVERNANCE

GOVERNANCE BODIES ENVISAGED IN THE ACT

Energy Transition and
Climate Change
Commissions

Basque Energy Transition
and Climate Change Office

**Energy Transition and
Climate Change Scientific
Committee**

Social Participation:
Environmental Advisory
Council, Social Pact

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 7.- Energy Transition and Climate Change Scientific Committee

PURPOSE: Assess and make recommendations regarding policies and measures on the subject, including legislative ones.

FUNCTION: Preparation of an annual report submitted to the Parliamentary Committee. Therefore, its remit will be:

- a) **Monitor** the latest **scientific advances**.
- b) Research, analyse and provide **scientific knowledge**.
- c) Participate in **scientific forums** to share knowledge.
- d) Report and publish based on **scientific data**.
- e) Raise awareness and engagement in an **informative way**.
- f) Include the **carbon budget** concept in their analysis.

✓ Functionally attached to the
**Basque Energy Transition and
Climate Change Office**

✓ **Structurally autonomous and
with full functional
independence** in the
implementation of its activity

✓ **Working group status**, with its
agreements not having direct
bearing on third parties.

Article 8.- Composition of the Scientific Committee

- ✓ **6 members** proposed by the parliamentary groups on a proportional basis of their representativeness.
- ✓ They are appointed for a **4-year term, which may be renewed once**, with **balanced representation of women and men** and of skills in the official languages of the BAC.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

**CHAPTER II.
GOVERNANCE**

GOVERNANCE BODIES ENVISAGED IN THE ACT

Energy Transition and
Climate Change
Commissions

Basque Energy Transition
and Climate Change Office

Energy Transition and
Climate Change Scientific
Committee

**Social Participation:
Environmental Advisory
Council, Social Pact**

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 10.- Social Participation

- The Basque public administrations **shall foster the active participation of the citizens** – while guaranteeing **gender equality** – and, in particular, **youth participation**.
- Public participation will be built around the **Environmental Advisory Council** as the participation and liaison body of the Basque public administrations and the sectors representing the knowledge, economic and social interests.
- The Basque public administrations will facilitate the **exchange and dissemination of the information and conclusions of the** public participation processes.
- The Basque Government will drive the adoption of a **social pact regarding the energy transition and climate change**, which will help to develop the goals of this legislation and the envisaged planning instruments.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER II.
GOVERNANCE

GOVERNANCE BODIES ENVISAGED IN THE ACT

Energy Transition and
Climate Change
Commissions

Basque Energy Transition
and Climate Change Office

Energy Transition and
Climate Change Scientific
Committee

Social Participation:
Environmental Advisory
Council, Social Pact

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 12.- Energy Transition and Climate Change Citizen Assembly

PURPOSE: drive **citizen participation** regarding energy transition and climate change, by generating **collective knowledge and reflection**.

✓ Composition: **equality principle**.

✓ It receives **support from the Basque ETCC Office**.



ALLOWS

Citizens are informed, deliberate and reach consensus regarding solutions for the major transformation to achieve **climate neutrality** and to make the BAC more **resilient** to the impacts of climate change, from a **supportive and just perspective**.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

GOVERNANCE BODIES ENVISAGED IN THE ACT

CHAPTER II. GOVERNANCE

Energy Transition and
Climate Change
Commissions

Basque Energy Transition
and Climate Change Office

Energy Transition and
Climate Change Scientific
Committee

Social Participation:
Environmental Advisory
Council, Social Pact

Social Participation:
Citizen Assembly

Inter-institutional coordination:
Basque Local Public Policy
Council



Article 13.- Energy transition and climate change inter-institutional coordination

- The energy transition and climate change inter-institutional coordination will be implemented by means of the **Basque Local Public Policy Council**. Its functions will be to:
 - **Issue reports, opinions and proposals** regarding the energy transition and climate change.
 - **Analyse the evolution of compliance of the targets and the** planning instruments envisaged in the legislation.
 - **Propose coordination measures** for effective energy transition and climate change actions.
 - Carry out its **other functions** apportioned by law or regulations.
- It will have **2 representatives** from the energy transition and climate change areas, respectively, belonging to the ministry whose remit includes the energy transition and climate change.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER PLANNING



Article 15.- Planning instruments

Long-Term Energy Transition and Climate Change Roadmap

Energy Transition and Climate Change Strategies

Energy and Climate Plans of the provinces of the Basque Country and local authorities



- The planning will include **measures, tools, legislative developments, financing mechanisms, tax and support programmes** to support the supramunicipalities, industrial or economic sectors, or population segments.
- The planning will guarantee the **engagement of the citizens and of the economic and social stakeholders**, and the **participation of women in the decision making**.



Achieve a **climate and energy transition that is ecologically, socially and economically just and inclusive.**





ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
PLANNING



Article 16.- Long-Term Energy Transition and Climate Change Roadmap



Long-Term Energy Transition and Climate Change Roadmap

Energy Transition and Climate Change Strategies

Energy and Climate Plans of the provinces of the Basque Country and local authorities



The Basque Government Council **will approve**, within no more than **15 months** after the passing of this legislation, the **Long-Term Energy Transition and Climate Change Roadmap**.

The **Long-Term Energy Transition and Climate Change Roadmap**:

- Will be prepared **according to the existing technological and scientific evidence** .
- Will set out the **path to achieve climate neutrality**, the **resilience of the territory** and the **just transition**.
- The energy and mitigation guidelines and targets, the adaptation strategies, the affected collectives and just transition measures, the **investment and business and technological development opportunities**.
- The Long-Term Roadmap will include the **Self-Consumption Roadmap**.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER III. PLANNING

Article 17.- Energy Transition and Climate Change Strategies



Long-Term Energy Transition and Climate Change Roadmap

Energy Transition and Climate Change Strategies

Energy and Climate Plans of the provinces of the Basque Country and local authorities

Cross-cutting and integrated framework of the sectoral plans, strategies and plans that **allows the objectives of this Act to be met.**

15 months



The Basque Government will approve the 2030 Energy Transition and Climate Change Strategy, and subsequent ones.



They **will be prepared** at intervals of no more than **10 years**



They **will be assessed** at intervals of no more than **5 years**

Based on the Long-Term Roadmap, on advances in scientific knowledge, and on the evolution of the legislation.

- The incorporated measures will support the **diversification and conversion of production and business** towards market-competitive activities and with a low carbon footprint, the **protection of decent employment** and of the **sectors of the population that are most vulnerable** to the effects of climate change.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER III. PLANNING

Article 18.- Energy and Climate Plans of the provinces of the Basque Country and local authorities



Long-Term Energy Transition and Climate Change Roadmap

Energy Transition and Climate Change Strategies

Energy and Climate Plans of the provinces of the Basque Country and local authorities

- The administrations of the provinces and local authorities of the Basque Country shall **integrated energy-related actions, and climate change mitigation and adaptation** into the **territorial and sectoral planning** under their jurisdiction.



Based on their energy consumption, GHG emissions, carbon sinks and climate change risks.



5,000 inhabitants

- The **provinces and municipalities of the BAC of more than 5,000 inhabitants** shall approved **energy and climate plans** which integrate **the climate variable, from the perspective of climate change mitigation and adaptation**, in line with the purpose and content of this Act. Municipalities with under 5,000 inhabitants may prepare the energy and climate plans individually or on a supramunicipal basis.



- Their **approval** must be within the **2 years following** the passing of this Act.



- Assessment and monitoring:** councils of municipalities of over 5,000 inhabitants must prepare and approve, every **two years**, a **report on the degree of compliance** of their plans.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
CLIMATE
NEUTRALITY

IV.

Article 20.- General guidelines of the energy transition

The **energy transition towards climate neutrality** will be conducted as per the **objectives and principles** established in the **Basque Energy Sustainability Act 4/2019, of 21 February** and in accordance with **goals and obligations stemming from the European Union**, as per the following guidelines:

SECTION 1:
ENERGY
TRANSITION

- a) The public administrations, households, companies and other consumers shall **comply with the obligations that are established by sectors** in three areas:

Energy efficiency

Renewable energies

Sustainable mobility

- b) **Fast and ordered deployment of renewable energies** with sufficient storage capacity to meet sectoral needs.
c) Promotion of **projects related to energy storage and renewable generation**.
d) Use of **new energy technologies** and **vectors** if they come from renewable sources.
e) Transformation of the **energy distribution and transport networks** into smart and planned networks.
f) Active role of **society** overall in the energy transition
g) **Financing** instruments to promote energy efficiency projects, renewable energies, and sustainable and efficient transport.
h) Special focus on those **zones with a risk of depopulation**, taking into consideration the territorial and social cohesion principles.
i) Replacement of more carbon intensive fuels in applications such as **maritime and heavy transport** by means of transition or renewable energies.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
CLIMATE
NEUTRALITY

IV.

Article 21.- Energy efficiency targets

SECTION 1:
ENERGY
TRANSITION

ENERGY
EFFICIENCY

- **Savings in the final energy consumption** shall be, at least, **12% by 2030** and **37% by 2050**, taking 2021 as the baseline.



Article 23.- Renewable energy targets

RENEWABLE
ENERGIES

- The **share of renewables in the final energy consumption** shall be at least **32 % by 2030**.





ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
CLIMATE
NEUTRALITY

IV.

Article 26.- Establishing a surface right

- A **surface right** or **space on publicly-owned assets** can be established for **renewable energy communities** and **energy citizen communities** formally established to develop **renewable energy generation** or **energy storage projects** or **other initiatives** with the same purpose as described in the definition of these communities.

SECTION 1:
ENERGY
TRANSITION

RENEWABLE
ENERGIES

Article 27.- Promotion of local participation in renewable energy projects

- The development of renewable energy projects will be promoted and facilitated, thus fostering **citizen participation** and with **special treatment** given to **geographical areas with lower population or economic development levels**, in order to **achieve cohesion in the Basque Country**.
- Local citizen participation will be particularly encouraged in **renewable energy communities** projects.
- At least **20% of the total power of the project** shall be offered as **citizen investment** and with **priority given to the industries and businesses of the municipality**, in the case of renewable energy projects not promoted by energy communities and which have not started the procedure to obtain the administrative authorisation for its development,.

Article 28.- Access of Basque companies to renewable electricity

Renewable electricity generation projects of over **5 MW** in which the Basque public administration has a stake: **agreements for the purchase of electricity by Basque companies** will be promoted.

Article 29.- Weaning off non-renewable energies by the Administration

The **progressive replacement** will take place of **fossil energy equipment** located in public buildings, by others that are powered by **energies from renewable sources**.

Article 30.- Driving the use of proximity renewable energy in building

The measures will be formally established to **facilitate the production of renewable energies *in situ* or in the proximity** of the buildings.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
CLIMATE
NEUTRALITY

IV.

SECTION 2:
OTHER
POLICIES



Article 32.- Circular economy

Consideration of the **life-cycle approach** to foster the **reduction of the emission** of greenhouse gases.



Article 33.- Decarbonisation of industrial processes

- Driving the **progressive reduction of greenhouse gas emissions from industrial activities.**
- **Industrial facilities** will calculate their **carbon footprint** and prepare a **plan to minimise it.**



Article 34.- Trade, tourism and other sub-sectors of the Services sector

- Driving the **progressive reduction of greenhouse gas emissions from commercial activities, tourism and other services.**
- Promoting a **sustainable tourism model** and driving the use of **environmental certification** for tourist activities and establishments.
- The **service sector establishments** shall calculate their **carbon footprint** and prepare a **plan aimed at minimising it.**



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER CLIMATE NEUTRALITY **IV.**

SECTION 2:
OTHER
POLICIES



Article 35.- Farming, livestock, forestry and fishery

- Driving the **progressive reduction** of GHG emissions of the primary sector and its **sink capacity**.
- Measures to help ensure that **25% of the farming land of the BAC are organically farmed by ETC 2030. Organic livestock farming and local markets will also be promoted.**
- The **primary sector activities** shall calculate their **carbon footprint** and prepare a **plan aimed at minimising it.**



Article 36.- Management of the natural heritage

- Mitigation actions that are **beneficial for biodiversity.**
- Soil **conservation** as first-rate carbon sinks.
- Incorporation of **climate change criteria in the biodiversity conservation policies and measures, along with biodiversity conservation criteria in the policies and measures to combat climate change.**



Article 37.- Carbon sinks

- Development and restoration of **forestry habitats, meadows and grazing land, wetlands, seagrasses and other habits, increasing their capacity as carbon sinks.**
- Development of **carbon sinks in urban areas**, as well as in urban buildings by promoting the use of native species and avoiding soil sealing, with impetus to the **green-blue infrastructure.**



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER CLIMATE NEUTRALITY **IV.**

SECTION 2:
OTHER
POLICIES



Article 38.- Spatial planning, urban planning and urban renewal

- ✓ **Compact and mixed** urban structures in uses
- ✓ **Green infrastructure and nature-based solutions**
- ✓ **Renewable energies**
- ✓ **Rational land use and reuse** of degraded spaces
- ✓ **Soil restoration and building refurbishment**
- ✓ **Sustainable mobility**
- ✓ Integration of **rural and urban spaces** by means of sustainable transport



Article 39.- Building and refurbishments

- ✓ **Audits** for a more rational and efficient use of energy
- ✓ **Refurbishment and retrofitting** of existing buildings
- ✓ Refurbishment and construction materials as per their **LCA** and their **carbon footprint**
- ✓ Use of **timber** in building
- ✓ New buildings with the **highest energy rating** possible



Article 40.- Publicly owned infrastructures and amenities

- The major projects for public infrastructures and amenities will include an **appraisal of alternatives** regarding the **reduction of the consumption of fossil fuels, of water** and the **indirect and direct GHG emissions throughout their lifespan.**



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER V RESILIENCE OF THE TERRITORY



Have a territorial model and a society adapted and resilient to climate change.

Article 41.- Adapted and resilient territorial model



Article 42.- Sensitive and critical infrastructures

- Guarantee **basic supply and communication services**, keep the **sensitive and critical infrastructures operational** in emergency situations and increase the **resilience of infrastructures** to the effects of climate change.
- A **plan** shall be prepared in order to **minimise the risks** arising from climate change and put in place the **measures needed to reduce them**.



Article 43.- Spatial planning, urban planning and urban renewal

- Integration of the **climate risk and vulnerability assessment** and **climate change adaptation** in planning instruments.
- Develop **soil permeability, urban green spaces, green infrastructure** and **NbS**.



Article 44.- Protecting the coastal, marine and inland aquatic environment

- Monitoring of the **risks** arising from climate change.
- Minimising the **climate impact** in coastal areas.
- Conserving **non-developed environments** as **adaptation areas**.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER **V**
RESILIENCE
OF THE
TERRITORY



Have a territorial model and a society adapted and resilient to climate change.

Article 41.- Adapted and resilient territorial model



Article 45.- Water resources and managing droughts and flooding

- Integrating the **management of water resources** in **other sectoral policies** .
- Monitoring of the **risks** arising from climate change.
- Inclusion of **adaptation in measures**.
- **Progressive** and comprehensive restoration of the **ecosystems**.



Article 46.- Protection of the natural heritage

- Ensuring the **diversity and resilience of the ecosystems** to climate changes and their proper state of repair.
- Increasing **green connectivity**.
- Conserving and developing **ecosystemic services**.
- Reducing **existing pressures**.



Article 47.- Agriculture, forestry, livestock farming and fisheries sector

- Identifying the **most vulnerable areas** of the primary sector and fostering their **adaptation**.
- Farming practices that minimise **erosion**, conserve the **OM of the soil** and increase **local production**.
- Increasing the **resilience of the rural environment** and better provision of **ecosystem services**.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER **V**
RESILIENCE
OF THE
TERRITORY



Have a territorial model and a society adapted and resilient to climate change.

Article 41.- Adapted and resilient territorial model



Article 48.- Industrial, business activities, tourism and the other activities of the service sector.

- **Guarantee that** service sector and industrial activities can continue in emergency situations and with **great resilience**, while detecting **opportunities** arising from that change.



Article 49.- Health system

- Fostering **better knowledge** of the effects of climate change on health.
- Developing mechanisms to **prevent and protect against health risks** to the population from the **effects of climate change**, including emerging risks.



Article 50.- Emergency, civil protection and security services

- Upgrading the **emergency systems** to **integrate the climate variable** and to be able to tackle the impacts of climate change, including extreme events.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER
CROSS-
CUTTING
INSTRUMENTS

VI.

Article 51.- Environmental assessment of plans, programmes and projects.

Assessment of the impacts of climate change on plans, programmes and projects:

- **GHG emissions** that their **implementation** may generate.
- **GHG emissions** generated throughout their **lifespan**.
- Measures included to reduce or offset them.
- Adaptation measure to minimise the increased climate risk.



Based on cutting-edge climate change information and techniques

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

Article 52.- Fostering knowledge and education

Educating about the energy transition and climate change:



Advance towards carbon neutrality, climate change adaptation and a resilient society.

Reviewing how climate change is treated in the different **training pathways** (informal and formal education) to advance as regards energy and climate change, with impetus given to **training teachers**.



Continuing training for the staff of the Administration with emphasis on the areas covered by this Act.



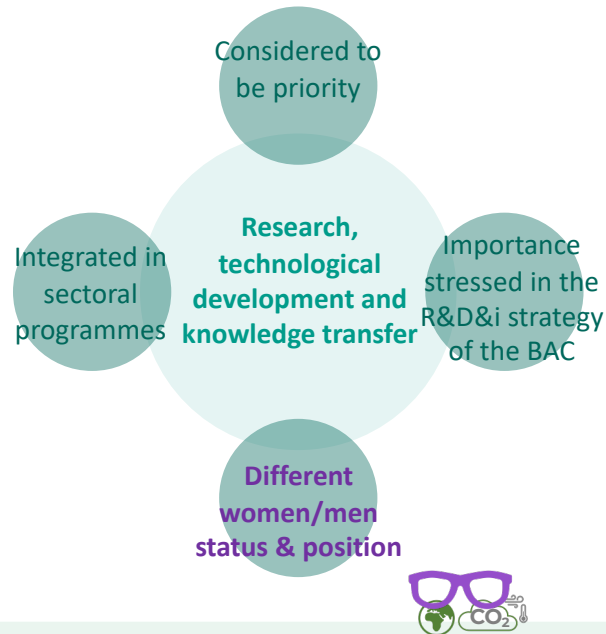


ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI. CROSS-CUTTING INSTRUMENTS

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

Article 53.- Research, development and innovation.




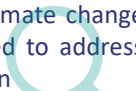
Article 54.- Public information and awareness raising

The information on monitoring and development of the planning will be **made available to the social and economic stakeholders involved, and to the citizens** for their **participation and co-responsibility**.

Inclusive and non-sexist communication

Digital divide 

Basque public administrations will conduct **awareness-raising actions with the public** 

Effects of climate change and the need to address the transition 



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI. CROSS-CUTTING INSTRUMENTS

Article 55.- Basque Register of Energy Transition and Climate Change Initiatives

Holders of private and public activities will be entered in the Register free of charge, so that their **undertakings, are put on public record** regarding the **adoption of climate actions** linked to their activity, including those of the primary sector.

Mandatory registering of activities that are formally established



Voluntary registering of organisation that want their climate action undertakings made known

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

The Register will have **at least** the following sections:

- a) **Carbon footprint calculation and reduction** for the **mandatory registration** of the carbon footprint of the organisation and **to report on the reduction of** greenhouse gas emissions.
- b) **Carbon footprint calculation and reduction** for the **voluntary registration** of the carbon footprint of the organisation and **to report on the reduction of** greenhouse gas emissions. In addition, the environmental footprint of the organisation may be registered in this section.
- c) **Energy projects whose registration is voluntary** on the mitigation of GHG emissions, so that they also include information on energy savings, incorporation of renewable energies or replacement of fossil fuels.
- d) **Industrial projects whose registration is voluntary** on energy transformation or conversion of production processes aimed at decarbonisation.
- e) **Energy infrastructure projects** that allow impetus to be given to the energy transition process.
- f) **Carbon dioxide absorption projects** to register projects that accredit the absorption of carbon dioxide by means of a change in land use or a change of its management, compatible with conserving biodiversity and others that are formally established.
- g) **Carbon footprint offset** to register carbon footprint offset actions by means of absorptions by the organisations registered in carbon dioxide absorption project sections or others formally established.
- h) **Climate change adaptation actions** to register the climate risk and vulnerability assessment and report on the climate change adaptation actions implemented.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI.
CROSS-CUTTING
INSTRUMENTS

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

Article 57.- Carbon footprint of products, services and supplies in public procurement.



The contracting authorities of the Basque public administrations will include the obligation to have the **carbon footprint of the products, services and supplies**, whose contracting is put out to tender, in the **administrative specifications** and the **technical specifications** of their contracts.

Bidders may justify holding the carbon footprint by means of accrediting the current status of the entry in the Basque Register of Energy Transition and Climate Change Initiatives.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI. CROSS-CUTTING INSTRUMENTS

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

Article 58.- Promoting techniques and technologies to control energy, reduce emissions, and adaptation.

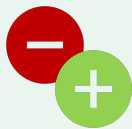
Promoting and driving techniques and technologies whose introduction in the production processes allows the control of energy consumption and the quantifiable reduction of GHG emissions.

Regular updating of the **list of clean technologies**



The **regulatory bases for subsidies** for projects aimed at energy improvement and protecting the environment may establish valuation criteria regarding the use of production processes with **less polluting energies, reducing GHG or adaptation.**

Article 59.- Energy Transition and Climate Change taxation



The Basque public administrations will assess the establishment of certain **levies on** actions that heighten vulnerability or increase GHG emissions, along with **tax incentives** for actions that foster the mitigation, reduction and absorption of emissions and their climate change adaptation when technically and economically possible.

Taxation in:

- Renewable energy
- Efficient housing energy
- Sustainable mobility
- Water savings
- Biodiversity
- Reducing health impacts
- Reducing GHG production
- Circular economy
- Waste prevention
- Others



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI. CROSS-CUTTING INSTRUMENTS

ENERGY AND CLIMATE PERSPECTIVE

Article 60.-Energy and climate perspective in legislation and planning

The climate perspective shall be incorporated in procedures to prepare legislation and general provisions by Basque public administration,.



Assessment of their
climate impact



Article 61.-Energy and climate perspective in public budgets

- In the **Basque General Budget Bill** the **climate perspective shall be incorporated** by allocating **2.5%** of that budget to adopting **climate change measures**.
- **The budget** will identify those actions with a positive impact as regards **energy transition and climate change (mitigation and adaptation)**
- The other **Basque public administrations** will foster the integration of the **energy and climate perspective in their public budgets**.



Every **five years**, the Basque Energy Transition and Climate Change Office will analyse the impact and contributions of the general budgets of the BAC from the **energy and climate perspective, socio-economic indicators and competitiveness**.



Within **18 months** from the Act coming into force, **guidelines will be drawn up to identify and create the budgetary items allocated for the compliance of this legislation.**



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI.
CROSS-CUTTING
INSTRUMENTS

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS

Article 62.- Climate Social Fund

The **budgetary item** on the annual budget created pursuant to *Section One of Article 86 of the Basque Environmental Administration Act 10/2021, of 9 December*, will be able to be **allocated economic resources from the European Social Fund** for the climate.

Used for:

- a) Actions in the areas of the transition towards a **new energy model** and climate change **mitigation** and **adaptation**.
- b) **Just transition** measures.

Amending of Section One of Article 86 of the Basque Environmental Administration Act 10/2021, of 9 December:

"1.- The Basque public administrations with jurisdiction over taxation shall foster, after duly consulting the ministry with environmental powers in the General Administration of the Autonomous Community of the Basque Country, the **use of environmental taxation and other environmental economic policy** to **contribute to the objectives of this legislation**; they may determine the allocation of an item in their annual budget, for an amount equivalent to the revenue collected, specifically allocated to undertake actions linked to protecting the environment and climate change mitigation and adaptation".

Article 63.- Simplifying administrative formalities

- The focus will be on **simplifying, streamlining and the transparency of the administrative formalities** for the implementation of the projects that contribute to the objective established in this Act.
- The Basque public administrations **shall efficiently coordinate** to comply with its obligations regarding the relevant administrative formalities.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI.
CROSS-CUTTING
INSTRUMENTS

Article 64.- Priority investments

The following actions will be deemed to be **priority investments** for the purposes of **planning, administrative formalities and allocation of public aid**:

SECTION 1:
FOSTERING RESEARCH,
EDUCATION AND
COMPETITIVENESS



Energy storage



Experimental
basis



Repowering
wind farms



Renewable
facility
hybridisation



Renewable
energy
generation*



Renewable
energy
communities
+
Energy
citizen
communities



Others

*** Economic stake, at least 20% of
local authorities and/or residents**



ENERGY TRANSITION AND CLIMATE CHANGE ACT

CHAPTER VI.
CROSS-CUTTING
INSTRUMENTS

SECTION 2:
ROYALTY ON
RENEWABLE
ENERGIES

ROYALTY ON RENEWABLE ENERGIES

Article 65.- PURPOSE AND NATURE OF THE ROYALTY and Article 66.- TAXABLE EVENT



- Levy for setting up on **non-developable land** of the BAC **renewable energy facilities (photovoltaic solar and wind farms)** and the generation of **adverse environmental and visual effects and impacts on the natural environment and on the territory**.
- Tax that is **direct, regular, non-fiscal in nature, real**, and a compensatory mechanism.
- It affects the **renewable energy facilities established** in the BAC **prior to this legislation coming into force**, and to those **set up after that**.

*Effective as of 1
January 2025.*

Article 67.- EXEMPTIONS

Self-consumption electricity facilities and facilities with **generation power of under 5 MW.***

**Unless those facilities are linked to others of the same natural or legal persons and deliver power equal to or over 5 MW through the same evacuation line.*



Article 67.- TAX PAYERS

Natural or legal persons or companies of Article 35.4 of the General Tax Act 58/2003, of 17 December, which, under any title, carry out the **exploitation of photovoltaic solar or wind farms** that generate the taxable event of the tax.



Article 69.- ACCRUAL AND TAX PERIOD

It will coincide with the **calendar year** and will be accrued on the **first day of each year**.



Article 70.- FILING TAX RETURNS AND SELF-ASSESSMENTS

Tax payers required to initially declare the **data, characteristics and circumstances** needed for the **quantification of the tax**, along with any changes to the previously declared data.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

**CHAPTER VI.
CROSS-CUTTING
INSTRUMENTS**

SECTION 2:
ROYALTY ON
RENEWABLE
ENERGIES

ROYALTY ON RENEWABLE ENERGIES

Article 71. TAX BASE

Photovoltaic solar farms
Affected surface area (panels, access and paths between rows).



Wind farms
Number of wind turbines installed and their power.



€ Article 72.- NET TAX LIABILITY

Photovoltaic solar farms
€700
per hectare of surface area affected



Wind farms
Tariff per wind turbine



Power per wind turbine	Number of wind turbines		
	1 - 5	6 - 10	11 +
Up to 1 MW (inclusive)	€2,600	€3,400	€4,200
From 1 MW to 5 MW (inclusive)	€3,200	€4,000	€4,800
From 5 MW (inclusive)	€3,800	€4,600	€5,400

Article 73.- USE OF THE ROYALTY

The income from the royalty, after deducting the management costs, will be used to:

Conserve, replenishment and restoration of the environment

In areas of the BAC affected by renewable energy facilities

Driving and promoting the rational use of energy and renewable energies

In the BAC overall

Adaptation of the territory to climate change effects.



ENERGY TRANSITION AND CLIMATE CHANGE ACT

**ADDITIONAL
PROVISION
SEVEN**

DIVESTMENT FROM FOSSIL FUEL EXPLOITATION AND EXTRACTION



Within **1 year** from this Act coming into force, the Basque Government with jurisdiction over energy shall prepare a **fossil fuel divestment plan** so that the General Administration of the Basque Country and the entities that make up the public sector **cease to have a stake, as soon as possible, and in any case before 2030**, directly or indirectly, in any type of firm, company, initiative or project aimed at **exploring, refining or processing fossil fuels**, including the generation of electricity by burning fossil fuels.

*The economic resources obtained, which will be reinvested in the Basque Energy Board, will be used to **promote or develop renewable energy projects** or for other activities related to the energy transition.*



ENERGY TRANSITION AND CLIMATE CHANGE ACT

SECOND AND FIFTH FINAL PROVISION

Amendment of the Basque Environmental Administration Act 10/2021, of 9 December

New wording of Article 11.2 of the Basque Environmental Administration Act 10/2021, of 9 December:

2. The **Environmental Advisory Council** has the following **functions**:

- ...
- k) Analyse the evolution of compliance of the targets and the planning instruments envisaged in the Energy Transition and Climate Change Act x/xxxx of xxx xxx.
- l) Formulate proposals regarding energy and climate policies
- m) Carry out its other functions apportioned by law or regulations".

New wording of Article 106 of the Basque Environmental Administration Act 10/2021, of 9 December, adds that the following facts are likely to constitute serious infringements:

- ñ) Failure to comply with the obligation to calculate the carbon footprint and to prepare a plan to minimise it in accordance with the cases established by the Energy Transition and Climate Change Act x/2023, of x xxxx.
- o) Any inaccuracy, falsehood or omission of essential data to calculate the carbon footprint in the cases established by the Energy Transition and Climate Change Act x/2023, of x xxxx.
- p) Any inaccuracy, falsehood or omission of essential data to identify, describe and assess the impacts of climate change on procedures for the environmental assessment of plans, programmes and projects.
- q) Failure to comply with the requirement to be entered in the Basque Register of Energy Transition and Climate Change Initiatives in the cases established by the Energy Transition and Climate Change Act x/2023, of x xxxx.
- r) Any inaccuracy, falsehood or omission of essential data for entry in the Basque Register of Energy Transition and Climate Change Initiatives as established by the Energy Transition and Climate Change Act x/2023, of x xxxx.

**Penalty
system**

1/2024 LEGEA, otsailaren 8koa,
**Trantsizio Energetiko
eta Klima-Aldaketari
buruzko**

**Energy Transition and
Climate Change ACT**
1/2024, of 8 February



EUSKO JAURLARITZA



GOBIERNO VASCO